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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,327	07/07/2006	Akira Ishikawa	0425-1246PUS1	6650
2292 7590 01/16/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER NGUYEN, KHANH TUAN	
			ART UNIT 1751	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		01/16/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/16/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/567,327	Applicant(s) ISHIKAWA ET AL.	
	Examiner Khanh T. Nguyen	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 07/07/2006 has been regarded by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1, 4- 6 and 9-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shuichi et al (JP Pub. 2000/110077 hereinafter, "Shuichi").

Regarding claims 1, 4- 6 and 9-10, Shuichi discloses a fiber product treating agent composition comprising (a) a nonionic surfactant containing 1 to 3 polyoxyalkylene groups having the number-average addition mol number of the oxyalkylene group of 50 to 200 and 1 to 3 hydrocarbon groups having 14 to 32 carbon atoms (Abstract and [0020]) and (b) an amino-modified silicone compound and (m) a silicone compound having a polyoxyalkylene chain ([0015], [0006] and [0007]).

Although Shuichi generally teaches a fiber product treating agent composition, the reference inherently discloses nonionic surfactant having an HLB of 16 or more and a melting point of 30 to 80°C, and (b) an amino-modified silicone compound with a mass ratio of the component (a)/the component (b) of 4/1 to 1/4, a product treating agent composition according to any one of Claims 1 to 3, wherein the component (b) is a compound having a kinematic viscosity of 100 to 20000 mm²/s at 25°C and an amino equivalence of 400 to 8000 and treating wool by using the composition as claimed in claim 1 or 5. The reference specifically or inherently meets each of the claimed limitations. The reference is anticipatory.

In the alternative that the above disclosure is insufficient to anticipate the above listed claims, it would have nonetheless been obvious to the skilled artisan to produce the claimed composition, as the reference teaches each of the claimed ingredients within the claimed proportions for the same utility.

6. Claims 2, 7 and 8 are rejected 35 U.S.C. 103(a) as being unpatentable over Shuichi et al (JP Pub. 2000/110077 hereinafter, "Shuichi") Hiromitsu et al (JP Pub. 2002/2371474 hereinafter, "Hiromitus").

Regarding claim 7, Shuichi did not explicitly disclose a fiber product treating agent composition according to any one of Claims 5 or 6, wherein the component (m) is a compound represented by the formula (6) on pages 96-98 of specification.

However, Hiromitsu explicitly disclose the fiber product treating agent composition according to claim 5 or 6, wherein the component (m) is a compound represented by the formula (6): wherein x denotes a number from 100 to 600 and is given by the following equations in relation to y and z, which are respectively a number given by the following equation: $x:y=100:1$ to $10:1$ and $y:z=1:10$ to $10:1$, plural R^{sup.11s}, which may be the same or different, respectively represents an alkyl group having 1 to 4 carbon atoms, two R^{sup.12s}, which may be the same or different, respectively represent an alkyl group having 1 to 4 carbon atoms, a hydroxyalkyl group or an alkoxy group, D is a group represented by the following formula (i) or a mixture of a group represented by the formula (i) and a group represented by the formula (ii), wherein in the latter case, the proportion of the group represented by the formula (ii) in D is 50 mol % or less; wherein p denotes a number from 2 to 6, R^{sup.13} represents a hydrogen atom or an alkyl group having 1 to 4 carbon atoms, q denotes a number from 1 to 6, r denotes a number from 1 to 20, s denotes a number from 0 to 20, R^{sup.14} represents an alkyl group having 1 to 18 carbon atoms, where the oxyethylene group

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and the oxypropylene group may be bonded by either random addition or block addition,

E represents a group represented by the formula (iii) or an alkyl group having 1 to 4

carbon atoms: $--(\text{CH}_2)_t\text{O}--(\text{C}_2\text{H}_4\text{O})_u--$

$(\text{C}_3\text{H}_6\text{O})_v$ --- R¹⁵ (iii) wherein R¹⁵ represents an alkyl group

having 1 to 20 carbon atoms, t denotes a number from 2 to 6, u denotes a number from

1 to 20 and v denotes a number from 0 to 20, where the oxyethylene group and the

oxypropylene group may be bonded by either random addition or block addition.

([0014], [0015], [0016], [0017] and [0018])

It would have been obvious to one of ordinary skill in the art at the time the invention to have formulated a fiber product treating agent comprising of amino denaturation silicone with the side chains as mentioned above as disclosed by Shuichi in view of Hiromitsu.

Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, because such a fiber product treating agent comprising of amino denaturation silicone with the side chains as mentioned above is expressly suggested by Shuichi in view of Hiromitsu in order to provide a softening agent composition for textile high in suppressing effect to happening of wrinkles in washing, free from imparting excess slickly feeling to clothes treated with the softening agent.

Regarding claims 2 and 8, Hiromitsu further discloses a product treating agent composition according to any one of Claim 1 or 5, the composition further comprising (c) at least one type selected from a tertiary amine in which one or two groups among the

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three groups bonded with a nitrogen atom are a hydrocarbon group having 10 to 20 carbon atoms and the remainder groups are a hydrocarbon group which has 1 to 3 carbon atoms and may be substituted with a hydroxy group, its acid salt and quaternary product in a mass ratio of the component (a)/the component (c) of 20/1 to 1/1. (Abstract, [0008] and [0011])

7. Claim 3 is rejected 35 U.S.C. 103(a) as being unpatentable over Shuichi et al (JP Pub. 2000/110077 hereinafter, "Shuichi") in view of Hiroshi et al (JP Pub. 2002/2371474 hereinafter, "Hiroshi").

Regarding claim 3, Shuichi in view of did not explicitly disclose the fiber product treating agent composition according to Claim 1, wherein the component (a) is a compound represented by the formula (1) on pages 94-95 of specification.

However, Hiroshi explicitly disclose the fiber product treating agent composition according to claim 1, wherein the component (a) is a compound represented by the formula (1): $R^{sup.1a}-A-[(R^{sup.1b}-O)_{sub.a}-R^{sup.1c}]_{sub.b}$ (1) wherein $R^{sup.1a}$ represents an alkyl or alkenyl group having 14 to 32, $R^{sup.1b}$ represents an alkylene group having 2 or 3 carbon atoms, $R^{sup.1c}$ represents a group selected from a hydrogen atom, an alkyl or alkenyl group having 14 to 32, or an alkanoyl or alkenoyl group having 15 to 33 carbon atoms, A represents a connecting group selected from --O--, --COO--, --CON< or --N<, provided that when A is --O-- or --COO--, b is 1 or when A is --CON< or --N<, b is 2, a is a number-average value 5 to 40, where plural $R^{sup.1b}$ s and $R^{sup.1c}$ s may be the same or different (Abstract).

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It would have been obvious to the skilled artisan to product the claimed composition with a higher number-average value between 50 to 200 in order to varies the nonionic surfactant affinity towards water. The reference specifically or inherently meets each of the claimed limitations. The reference is anticipatory.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh T. Nguyen whose telephone number is (571) 272-8082. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Mark Kopec
Primary Examiner

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Khanh T. Nguyen
Examiner
12/20/2006